

City Council Introduction: **Monday**, February 26, 2001  
Public Hearing: **Monday**, March 5, 2001, at **1:30 p.m.**

Bill No. 01-32

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3302**, from R-2 Residential to O-2 Suburban Office, requested by Rolf Edward Shasteen, on property generally located at 857 South 48<sup>th</sup> Street, between "F" Street and Randolph Street.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 02/07/01  
Administrative Action: 02/07/01

**RECOMMENDATION:** Approval (8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent).

### **FINDINGS OF FACT:**

1. The Planning staff recommendation of approval is based upon the "Analysis" as set forth on p.3-5, concluding that the proposed change of zone generally meets the zoning criteria of the Comprehensive Plan.
2. The applicant's testimony and discussion with the Commission is found on p.6.
3. There was no testimony in opposition.
4. The Planning Commission agreed with the staff recommendation.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** February 20, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** February 20, 2001

**REFERENCE NUMBER:** FS\CC\FSCZ3302

**W444**

**DATE:** January 24, 2001

**GENERAL INFORMATION:**

On **September 6, 1955**, City Council approved Special Permit #65, which allowed a medical clinic on the NW corner of S. 48<sup>th</sup> St. and “F” St.

On **September 23, 1957**, City Council approved Special Permit #121, which allowed a medical clinic on property directly to the south.

On **November 16, 1959**, City Council approved Special Permit #161, which allowed a medical clinic on this property.

On **October 16, 1972**, City Council approved Special Permit #627 on the lot to the north. This permit allowed the operation of a radio station.

This property was converted from A-2 Single Family Dwelling to R-2 Residential in the 1979 Zoning Update.

On **August 30, 1982**, City Council approved Special Permit #65A, which allowed the expansion of the medical clinic on the NW corner of S. 48<sup>th</sup> St. and “F” St.

On **September 3, 1985**, City Council approved Change of Zone #2188 from R-2 to O-2 on the lot to the north. Planning staff found that the change was consistent with the Comprehensive Plan and would promote stable land uses. Offices were previously allowed by special permit, but that provision was eliminated from the Zoning Ordinance.

#### **SPECIFIC INFORMATION:**

**UTILITIES:** Available.

**TOPOGRAPHY:** Six foot rise from east to west.

**TRAFFIC ANALYSIS:** S. 48<sup>th</sup> Street is classified as a Principle Arterial in both the Current and Future Functional Street and Road Classification.

**PUBLIC SERVICE:** The closest fire station is Station No. 7 at Cotner Blvd. and “A” St.

**REGIONAL ISSUES:** Preservation of existing neighborhoods.

**ENVIRONMENTAL CONCERNS:** None apparent.

**AESTHETIC CONSIDERATIONS:** None apparent.

**ALTERNATIVE USES:** Continued use as medical office or conversion to residential.

#### **ANALYSIS:**

1. This is a request for a change of zone from R-2 to O-2.
5. The land is currently used as a medical office building under Special Permit #161. In the past, medical clinics could be allowed by special permit in any zoning district. Such a provision is not

present in the current zoning ordinance. If this change of zone is approved, medical offices would be a permitted use, and the applicant should submit a request to rescind Special Permit #161.

6. Neither the current use nor the proposed zoning designation conform with the Land Use Map in the 1994 Comprehensive Plan, however, page 190 of the Comprehensive Plan provides the following language for this circumstance (emphasis added):

Rezoning and Comprehensive Plan Amendments. The city and county future land use plans are specific maps. **In some situations, applications will be made for land use changes that are not in conformance with those maps.** In each case, the Planning Department will complete an advisory review of Comprehensive Plan compliance for the Planning Commission and the City Council or County Board. This assessment will follow these guidelines:

- If an application is generally consistent with the land use map and the zoning criteria, it will be considered to be consistent with the comprehensive plan.
- **If an application is not consistent with the land use maps but meets the zoning criteria, the proposal will be found to be inconsistent with the land use plan but compliant with the general concepts of the comprehensive plan.** An amendment to the land use plan may be approved along with the rezoning proposal. The land use plan can then be updated on an annual basis to remain current. (Amendment 9416)
- If an application is inconsistent with both the land use plan and zoning criteria, it will be considered to be inconsistent with the comprehensive plan. Approval of the project will require an amendment to the comprehensive plan.

7. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;
  1. Safety from fire, flood and other dangers;
  2. Promotion of the public health, safety, and general welfare;
  3. Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;
  4. Conservation of property values; and
  5. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.

There are seven specific zoning criteria established in the Plan for review including;

**a. Infrastructure: the availability of the water, sewer, drainage and the transportation systems.**

City services are available. In 1999, S. 48<sup>th</sup> Street carried a daily average of 15,200 trips.

**b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.**

This property is bounded on the north and south by existing office uses.

**c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.**

There are no known hazards in the area.

**d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.**

No natural wildlife habitat on site.

**e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.**

The site has sidewalks and a curb cut onto S. 48<sup>th</sup> St. Bus Route 18 runs within a block of the site.

**f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.**

Piedmont park is approximately 5 blocks away, and larger parks such as Woods Park and Antelope park are approximately 1 mile away.

**g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.**

There are no apparent major fiscal impacts.

8. The application is consistent with the zoning criteria listed above.
9. If approved, this change of zone would expand an already existing O-2 district and the zoning would more accurately reflect the land use.

**STAFF CONCLUSION:**

This application generally meets the zoning criteria of the Comprehensive Plan.

**STAFF RECOMMENDATION:**

Approval

Prepared by:

Jason Reynolds  
Planner

## CHANGE OF ZONE NO. 3302

### PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 7, 2001

Members present: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer; Schwinn absent.

Planning staff recommendation: Approval.

### Proponents

1. **Rolf Shasteen**, the applicant, appeared to answer questions.

Newman wanted to know how the property will be used. Shasteen could not answer because he sold the property yesterday and the purchasers did not care what the zoning was. The basement could be used for residential under this change of zone. The last he knew it would be some sort of low traffic use. The reason for the change is because of the businesses surrounding the property. There is no persuasive reason it should be zoned R-2 when there is O-2 zoning to the south.

There was no testimony in opposition.

Steward noted that the applicant states that there is business to the north and to the south, yet the zoning map shows R-2 zoning to the south. What is the circumstance for existing use and nonconformance. Jason Reynolds of Planning staff displayed the aerial photo. There is a medical office building to the south, and at the corner of 48<sup>th</sup> is another medical office building, all existing and approved under a special permit when the ordinance allowed medical clinics by special permit in any zoning district, pursuant to the 1953 zoning ordinance. They were under a special permit and that special permit was eliminated from the ordinance and they are now nonconforming uses.

Steward wondered whether it is in the city's best interest to take the same action on the nonconforming properties. Reynolds stated that the staff believes that the property owners themselves should come forward to request the zoning change. There are two properties residentially zoned between this one and the O-2 across the street; however, those property owners have not come forward with a request for change.

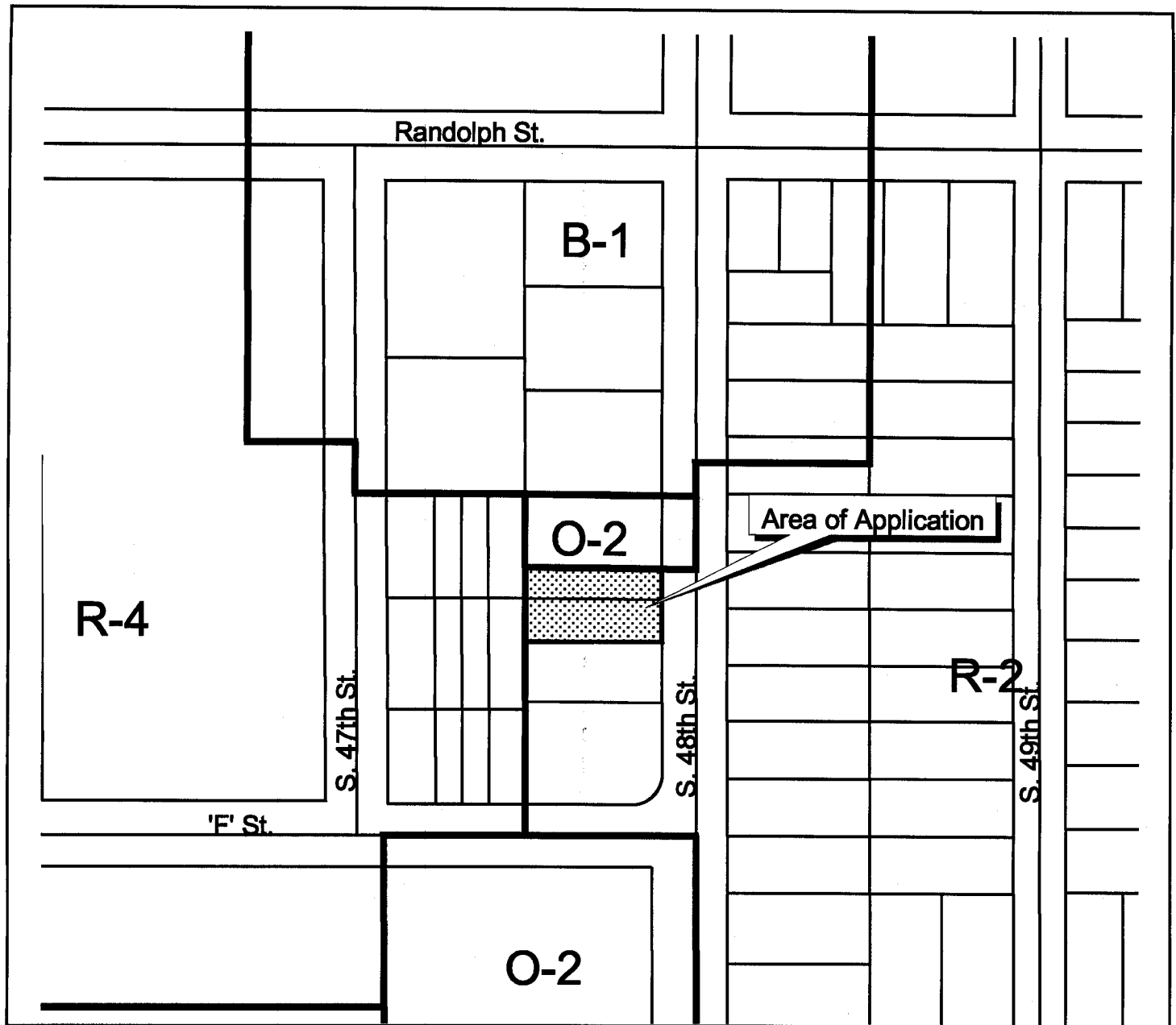
Carlson asked for the signage allowed in the O-2 district. Reynolds advised that generally, in the O-2 for each main building, the ordinance permits two on-premises wall projection signs not exceeding 25 sq. ft., or one on-premises wall non-projecting sign not exceeding 25 sq. ft. and one ground sign not exceeding 25 sq. ft. One ground sign not exceeding 15 sq. ft. and 5' in height is permitted at each building entrance.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

February 7, 2001

Steward moved approval, seconded by Taylor and carried 8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent.

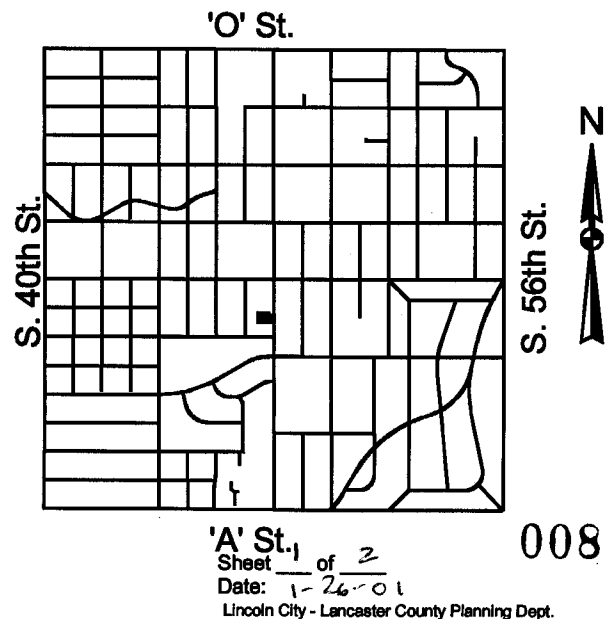
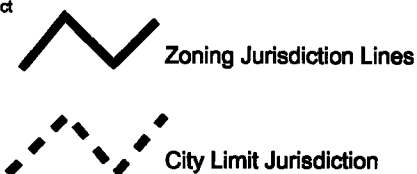


## Change of Zone #3302 S. 48th St. & 'F' St.

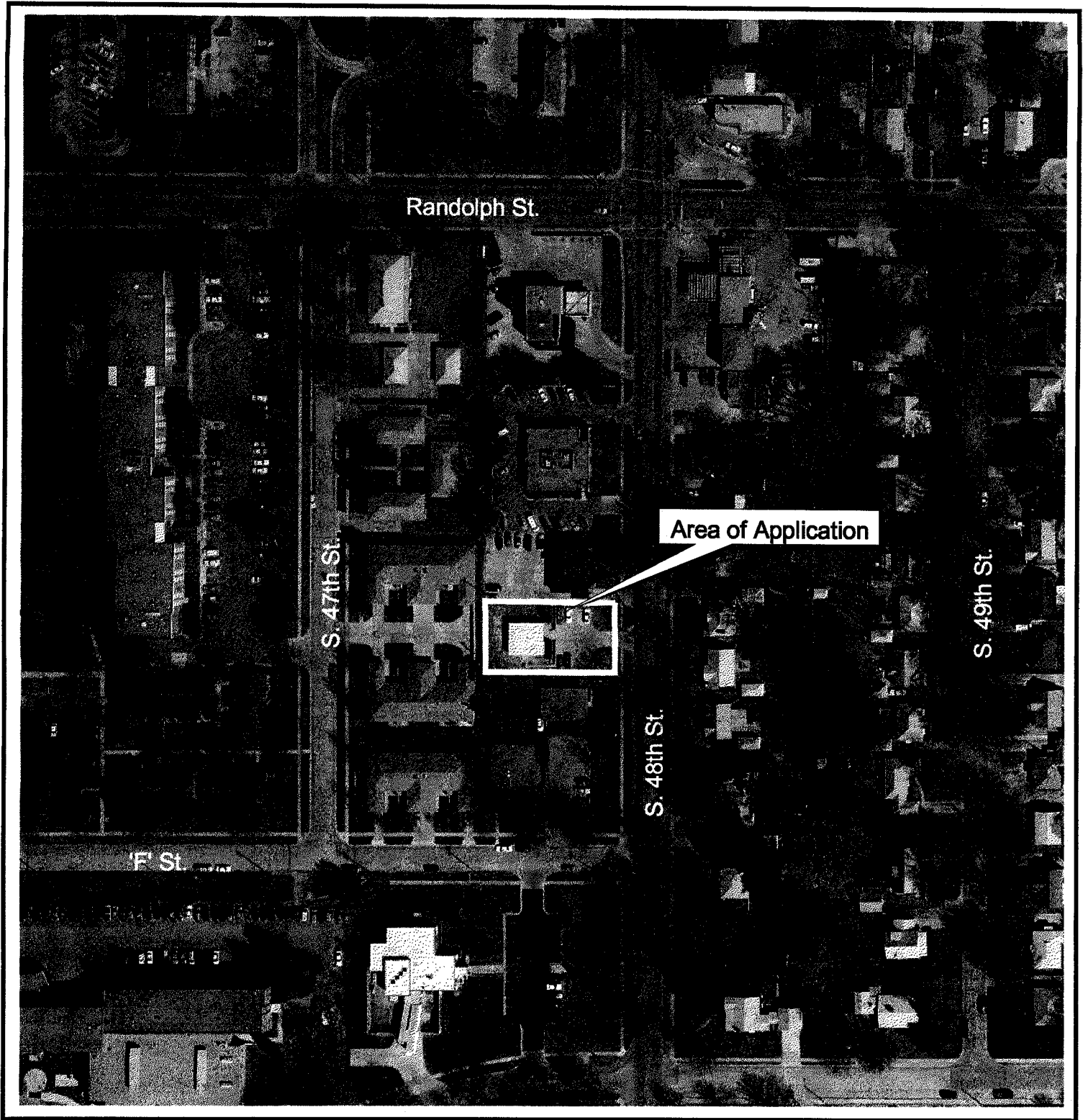
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 29 T10N R7E







**Change of Zone #3302**  
**S. 48th St. & 'F' St.**



Sheet 2 of 2

Date: 1-26-01

Photograph Date: 1997 **009**

Lincoln City - Lancaster County Planning Dept.

To: Planning Commission  
From: Rolf Edward Shasteen  
RE: Rezoning  
Date: January 8, 2001

TO THE COMMISSION:

This request is for a zoning change from R-2 to O-2. My property abuts other O-2 zoning to its north and is separated from O-2 zoning to its south by only two lots. The west side of 48th Street from Randolph south to Valley Road is zoned either B-1 or O-2 except for the subject property and the two properties immediately to its south.

The requested zoning change would not permit any use that would change the basic character and composition of the neighborhood. It is made so that my property may be more marketable and have zoning that conforms more realistically to the actual composition of the neighborhood.

The improvements on this piece of real property are erected at the back of the lot with the parking lot directly in front of the building. Accordingly, the set back requirements are not an issue.

Yours very truly,



Rolf Edward Shasteen  
Owner

